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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In re Application of: Konia

Serial No.: 09/491,747 Examiner: Karmis, Stefano

Filed: January 27, 2000 Group Art Unit: 3624

Title: ONLINE AUCTION BID MANAGEMENT SYSTEM
AND METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

This Amendment And Response To Office Action is submitted in response to the Office Action dated December 23, 2004, and pursuant to an interview with the Examiner and the Primary Examiner held on January 28, 2004. The Applicant thanks the Examiner and the Primary Examiner for the courtesy extended to Applicant and his counsel in the January 28 interview.

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A Confirmation Of Telephone Election Of Species In Response To Oral Restriction Requirement begins on page 3 of this paper.

Amendments to the claims are reflected in a listing of all pending claims which begins on page 4 of this paper.

Remarks begin on page 9 of this paper.

A Conclusion begins on page 17 of this paper.

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AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that any extensions of time or fees for net addition of claims are required. However, in the event that any extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefore (including fees for net addition of claims) are hereby authorized to be charged to Brown Raysman's Deposit Account No. 502811.

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**CONFIRMATION OF TELEPHONIC ELECTION OF SPECIES IN RESPONSE
TO ORAL RESTRICTION REQUIREMENT**

In the January 28, 2004 interview, the Examiner imposed an oral Restriction Requirement, stating that claims 1-23 (Group I) purportedly claim an invention that is different from the invention of claims 24-25 (Group II).

In response to the Restriction Requirement, Applicant orally traversed the Restriction Requirement, but provisionally elected claims 1-23 (Group I) for prosecution on the merits. Applicant respectfully reserves the right to file one or more divisional and/or continuing applications claiming the subject matter of the non-elected claims.